

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CAPITOL RECORDS, INC., a Delaware corporation,

Plaintiff,

-v-

CITY HALL RECORDS, INC., a California corporation
and ROBIN COHN,

Defendants.

CITY HALL RECORDS, INC., a California corporation
and ROBIN COHN,

Third-Party Plaintiffs,

-v-

ACE RECORDS LTD., AVID LTD., BODY & SOUL,
COMET RECORDS, HASMICK PROMOTIONS LTD.,
PROPER MUSIC DISTRIBUTION LTD., SUBMARINE
RECORDS & TAPES, ACROBAT MUSIC GROUP
LTD., CROSSCUT RECORDS, CANDID
PRODUCTIONS LTD., FREMEAUX AND ASSOCIES,
CDA-COMPACT DISTRIBUTION AB, DYNAFLOW
PRODUCTIONS, TUFF CITY MUSIC GROUP,
SANCTUARY HOUSE, DELUXE MEDIA SERVICES
LTD and ASV LIMITED,

Third-Party Defendants

Case No. 07-cv-6488 (LTS) (KNF)

ANSWER

Third-Party Defendant, Acrobat Music Group Ltd. (Acrobat”), as and for its answer to the third-party complaint of City Hall Records, Inc. and Robin Cohn, states as follows:

1. Denies each and every allegation set forth in paragraphs 22, 28, 29 and 30 through and including 33.

2. Lacks knowledge or information sufficient to form a belief as to the allegation set forth in paragraphs 1, 2, 3 through and including 10, 12 through and including 21, 23, 24, 25 and 26.

3. Denies each and every allegation set forth in paragraph 11, except admits it is a privately held company with its principal place of business in Middlesex, England.

4. Denies each and every allegation set forth in paragraph 27, except admits supplying certain sound recordings to third party plaintiff City Hall Records Inc.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

5. The third party complaint fails to state a cause of action.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

6. This Court lacks jurisdiction over Acrobat because Acrobat does not transact business in the New York, none of the occurrences alleged by third party plaintiffs occurred in New York, and the parties have never done business in New York. Nothing contained in this answer shall be deemed a consent by Acrobat to the jurisdiction of this Court.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

8. There is no privity between Acrobat and third party plaintiff Robin Cohen.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

9. The claims of third party plaintiffs must be denied on the basis of documentary evidence.

WHEREFORE, Acrobat demands judgment dismissing the third party complaint

and awarding Acrobat costs, disbursements, reasonable fees, and such other and further relief as the Court deems just and proper.

Dated: New York, New York
October 16, 2008

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